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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,284	03/26/2004	Kenki Takagi	P/29-1649	2178
2352 7590 09/11/2008 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
EXAMINER				
WENDELL, ANDREW				
ART UNIT		PAPER NUMBER		
2618				
MAIL DATE		DELIVERY MODE		
09/11/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/811,284

**Applicant(s)**

TAKAGI, KENKI

**Examiner**

ANDREW WENDELL

**Art Unit**

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7-10, 13-16, 19-22, 25-28, and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (US Pat Pub# 2003/0153346) in view of Yun et al. (US Pat# 6,950,632) and further in view of Lee et al. (US Pat Pub# 2002/0082020).

Regarding claim 1, system claim 1 is rejected for the same reason as apparatus claim 13 since the recited elements would perform the claimed steps.

Regarding claim 2, system claim 2 is rejected for the same reason as apparatus claim 14 since the recited elements would perform the claimed steps.

Regarding claim 3, system claim 3 is rejected for the same reason as apparatus claim 15 since the recited elements would perform the claimed steps.

Regarding claim 4, system claim 4 is rejected for the same reason as apparatus claim 16 since the recited elements would perform the claimed steps.

Regarding claim 7, system claim 7 is rejected for the same reason as apparatus claim 19 since the recited elements would perform the claimed steps.

Regarding claim 8, system claim 8 is rejected for the same reason as apparatus claim 20 since the recited elements would perform the claimed steps.

Regarding claim 9, system claim 9 is rejected for the same reason as apparatus claim 21 since the recited elements would perform the claimed steps.

Regarding claim 10, system claim 10 is rejected for the same reason as apparatus claim 22 since the recited elements would perform the claimed steps.

Regarding claim 13, Kim's DSCH power control for WCDMA teaches a wireless base station apparatus by which a dedicated physical data channel with error correction and a dedicated physical control channel without error correction, both of the forward link, are time-division multiplexed (Section 0029) and transmitted to mobile station terminals (Section 0069 and Fig. 1), comprising a power correcting unit operative to correct transmission power base on an encoding gain of the dedicated channel (Sections 0026-0027), and a transmitting unit operable to transmit the dedicated physical channels of the forward link with the corrected transmission power (Sections 0026-0027). Kim fails to teach power correcting with a dedicated physical data channel and transmitting dedicated physical data channel and a dedicated physical control channel.

Yun teaches a power correcting unit operative to correct transmission power based on an encoding gain of the dedicated physical data channel (Col. 4 lines 25-36, "gain controlled"), and a transmitting unit operable to transmit the dedicated physical channels of the forward link with the corrected transmission power (Col. 4 lines 25-36, "gain controlled").

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate power

correcting with a dedicated physical data channel as taught by Yun into Kim's DSCH power control for WCDMA in order to improve communication quality (Col. 7 lines 9-11).

Both Yun and Kim fail to teach transmitting dedicated physical data channel and a dedicated physical control channel.

Lee teaches a transmitting unit operable to transmit the dedicated physical data channel and the dedicated physical control channel of the forward link with the corrected transmission power (Section 0037).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate transmitting dedicated physical data channel and a dedicated physical control channel as taught by Lee into power correcting with a dedicated physical data channel as taught by Yun into Kim's DSCH power control for WCDMA in order to increase efficiency (Section 0049).

Regarding claim 14, Kim further teaches the power correcting unit corrects the transmission power at each of transmission time intervals (Section 0069).

Regarding claim 15, Lee further teaches wherein the power correcting unit corrects the encoding gain of the transmission power obtained by error correction processing on the dedicated physical data channel and the dedicated physical control channel on the basis of bit repetition/bit thinning-out due to rate matching figured out from variations in transmitted data quantity (Sections 0036 and 0037).

Regarding claim 16, Lee further teaches the power correcting unit corrects the encoding gain of the transmission power obtained by error correction processing on the

dedicated physical data channel and the dedicated physical control channel on the basis of bit repetition/bit thinning-out due to rate matching figured out from variations in transmitted data quantity (Sections 0036 and 0037).

Regarding claim 19, Kim further teaches the mobile communication system utilizes the CDMA formula (Sections 0004 and 0013).

Regarding claim 20, Kim further teaches the mobile communication system utilizes the CDMA formula (Sections 0004 and 0013).

Regarding claim 21, Kim further teaches the mobile communication system utilizes the CDMA formula (Sections 0004 and 0013).

Regarding claim 22, Kim further teaches the mobile communication system utilizes the CDMA formula (Sections 0004 and 0013).

Regarding claim 25, method claim 25 is rejected for the same reason as apparatus claim 13 since the recited elements would perform the claimed steps.

Regarding claim 26, method claim 26 is rejected for the same reason as apparatus claim 14 since the recited elements would perform the claimed steps.

Regarding claim 27, method claim 27 is rejected for the same reason as apparatus claim 15 since the recited elements would perform the claimed steps.

Regarding claim 28, method claim 28 is rejected for the same reason as apparatus claim 16 since the recited elements would perform the claimed steps.

Regarding claim 31, method claim 31 is rejected for the same reason as apparatus claim 19 since the recited elements would perform the claimed steps.

Regarding claim 32, method claim 32 is rejected for the same reason as apparatus claim 20 since the recited elements would perform the claimed steps.

Regarding claim 33, method claim 33 is rejected for the same reason as apparatus claim 21 since the recited elements would perform the claimed steps.

Regarding claim 34, method claim 34 is rejected for the same reason as apparatus claim 22 since the recited elements would perform the claimed steps.

4. Claims 5-6, 11-12, 17-18, 23-24, 29-30, and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (US Pat Pub# 2003/0153346) in view of Yun et al. (US Pat# 6,950,632) further in view of Lee et al. (US Pat Pub# 2002/0082020) and further in view of Kroner (US Pat# 6,928,268).

Regarding claim 5, system claim 5 is rejected for the same reason as apparatus claim 17 since the recited elements would perform the claimed steps.

Regarding claim 6, system claim 6 is rejected for the same reason as apparatus claim 18 since the recited elements would perform the claimed steps.

Regarding claim 11, system claim 11 is rejected for the same reason as apparatus claim 23 since the recited elements would perform the claimed steps.

Regarding claim 12, system claim 12 is rejected for the same reason as apparatus claim 24 since the recited elements would perform the claimed steps.

Regarding claim 17, Kim's DSCH power control for WCDMA in view of Yun and further in view of Lee's apparatus for gating dedicated physical control 5 channel in a mobile communication system teaches the limitations in claims 13 and 15. Kim, Lee, and Yun fail to teach QOS requirements.

Kroner's allocating a transmission capacity to connections in a radio communication system teaches the rate matching is to satisfy QoS requirements for voice communication and packet communication at the same time (Col. 2 lines 11-28, Col. 4 lines 42-50, and Col. 6 lines 41-51).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate QOS requirements as taught by Kroner into transmitting dedicated physical data channel and a dedicated physical control channel as taught by Lee into power correcting with a dedicated physical data channel as taught by Yun into Kim's DSCH power control for WCDMA in order to increase efficiency of transmission capacity (Col. 2 lines 29-36).

Regarding claim 18, Kroner further teaches the rate matching is to satisfy QoS requirements for voice communication and packet communication at the same time (Col. 2 lines 11-28, Col. 4 lines 42-50, and Col. 6 lines 41-51).

Regarding claim 23, Kim further teaches the mobile communication system utilizes the CDMA formula (Sections 0004 and 0013).

Regarding claim 24, Kim further teaches the mobile communication system utilizes the CDMA formula (Sections 0004 and 0013).

Regarding claim 29, method claim 29 is rejected for the same reason as apparatus claim 17 since the recited elements would perform the claimed steps.

Regarding claim 30, method claim 30 is rejected for the same reason as apparatus claim 18 since the recited elements would perform the claimed steps.



Regarding claim 35, method claim 35 is rejected for the same reason as apparatus claim 23 since the recited elements would perform the claimed steps.

Regarding claim 36, method claim 36 is rejected for the same reason as apparatus claim 24 since the recited elements would perform the claimed steps.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW WENDELL whose telephone number is (571)272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Wendell/  
Examiner, Art Unit 2618

/Nay A. Maung/  
Supervisory Patent Examiner, Art  
Unit 2618

9/8/2008